

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.123 of 2016

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Shamsul Hoda & Ors

.... Petitioners

Versus

Iftekhar Ahmad & Ors

.... Opposite parties

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Appearance :

For the Petitioners : Mr. Md. Ataul Haque

For the Opp.Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

12 07-04-2017 Learned counsel for the petitioners submitted that earlier M.J.C. application was filed but because of mistake the petitioners sought permission to convert the M.J.C. application to review application. However, the learned counsel for the petitioners submitted that in fact the petitioners are alleging fraud played by the appellants and respondent nos.1 to 9, therefore, review will not be maintainable rather M.J.C. is maintainable under Section 151 of the Code of Civil Procedure.

It appears that the petitioners had filed this application under Section 151 of the Code of Civil Procedure alleging that by playing fraud the appellants as well as respondent nos.1 to 9 obtained judgment dated 25.08.2015 in the garb of judgment on admission under Order XII Rule 6 of the Code of Civil Procedure. Learned counsel for the petitioners submitted that this allegation made by the petitioners cannot be the subject matter



of review application. Therefore, the petitioners may be permitted to convert this review application to M.J.C. application.

In view of the above facts and circumstances this review application is treated as M.J.C. application under Section 151 of the Code of Civil Procedure. Let notice be issued in admission matter treating this review application as M.J.C. application on the opposite parties for which the petitioners shall file the necessary requisites in ordinary process and speed post both within three weeks. The Review Section shall send the record to M.J.C. Section after the conversion of Review to M.J.C. by the learned counsel for petitioners within ten days.

(Mungeshwar Sahoo, J)

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